

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
NEW WINDSOR CABLE TV, INC.)
) no. 09-0334
Application for a certificate)
of service authority to operate)
as a carrier of)
telecommunications service)
facilities based interexchange)
for resale of local and)
interexchange and facilities)
based local services in the)
State of Illinois.)

Chicago, Illinois

September 15, 2009

Met pursuant to notice at 1:00 p.m.

BEFORE :

MS. KATINA HALOULOS, Administrative Law Judge.

APPEARANCES :

LOEWENSTEIN, HAGEN & SMITH, P.C., by
MR. GARY L. SMITH
1204 South Fourth Street
Springfield, Illinois 62703
appeared for Applicant
telephonically;

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1 APPEARANCES: (Continued)

2 MS. KAREN CHANG
3 527 East Capitol Avenue
4 Springfield, Illinois 62701
5 appeared for Staff,
6 telephonically.

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SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

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I N D E X

<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>Re- dir.</u>	<u>Re- crx.</u>	<u>By Examiner</u>
Troy Nimrick	5	8	11		

E X H I B I T S

<u>APPLICANT'S</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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1 JUDGE HALOULOS: Pursuant to the authority of
2 the Illinois Commerce Commission, I now call
3 Docket 09-0334, New Windsor Cable TV, Inc. This is
4 an application for a certificate of service
5 authority to operate as a carrier of
6 telecommunications service facilities based
7 interexchange for resale of local and interexchange
8 and facilities based local services in the State of
9 Illinois.

10 MR. SMITH: Judge, my name is Gary Smith and I'm
11 appearing on behalf of the Applicant. My business
12 address is 1204 South Fourth Street, Springfield,
13 Illinois 62703. And I'm an attorney licensed to
14 practice in Illinois.

15 JUDGE HALOULOS: Okay.

16 MS. CHANG: This is Karen Chang. I'm Staff for
17 Illinois Commerce Commission. My office is locate
18 at 527 East Capitol Avenue, Springfield, Illinois
19 62701.

20 JUDGE HALOULOS: Okay.

21 MR. SMITH: Judge, I have one witness for
22 today's proceeding.

1 JUDGE HALOULOS: Okay. Should we go ahead and
2 swear in your witness?

3 MR. SMITH: Yes.

4 JUDGE HALOULOS: And who is that witness?

5 MR. SMITH: It's Mr. Nimrick, who's testimony is
6 on e-Docket.

7 (Witness sworn.)

8 JUDGE HALOULOS: Okay. You can proceed.

9 MR. SMITH: Thank you, Judge.

10 TROY NIMRICK,
11 called as a witness herein, and after having been
12 first duly sworn, was examined and testified as
13 follows:

14 DIRECT EXAMINATION

15 BY

16 MR. SMITH:

17 Q Please state your name.

18 A Troy Nimrick.

19 Q And spell your last name for the court
20 reporter, please.

21 A N-i-m-r-i-c-k.

22 Q And, Mr. Nimrick, let me hand to you what

1 you've previously had as four-page document
2 entitled, Direct Testimony of Troy Nimrick, dated
3 July 22nd, 2009. Do you have that in front of you?

4 A Yes, I do.

5 Q And also attached to that prepared
6 testimony is a four-page resume and additional page
7 listing the officers and directors of various
8 companies, do you have that?

9 A Yes. And that's -- two pages are mine and
10 two pages are Rory Woodside (phonetic), for
11 clarification.

12 Q Okay.

13 A Two separate resumes.

14 Q Thank you.

15 If I were to ask you the questions in
16 your prepared direct testimony, would your answers
17 be the same?

18 A Yes, they would be.

19 Q And the attachments that we referred
20 earlier, that is, the two resumes and the listing of
21 the officers and the directors of New Windsor
22 Telephone Company and New Windsor Cable TV Company,

1 with their work experience and history, that is the
2 document you're referring to, correct?

3 A That is correct, yes.

4 MR. SMITH: Judge, I would ask that the Direct
5 Testimony of Troy Nimrick be spread across the
6 record as if orally given and that the attachments
7 be incorporated as exhibits in this proceeding.

8 JUDGE HALOULOS: Is there any objection to that,
9 Ms. Chang?

10 MS. CHANG: Pardon me? I didn't hear you very
11 good.

12 JUDGE HALOULOS: Do you have any problems with
13 that?

14 MS. CHANG: I have no objection for the exhibits
15 to be entered.

16 JUDGE HALOULOS: Okay. Let the record reflect
17 that the exhibits are entered into the record.

18 MR. SMITH: I tender the witness for
19 cross-examination.

20 MS. CHANG: Okay, this is Staff, Karen Chang. I
21 have a couple of questions for Mr. Nimrick.

22 MR. SMITH: Go right ahead.

1 CROSS-EXAMINATION

2 BY

3 MS. CHANG:

4 Q Mr. Nimrick, I am looking at your resume
5 here, you said that you began New Windsor Cable TV
6 since (sic) February 2005, is that correct?

7 A That is correct, yes.

8 Q Before you took the position as general
9 manager since February of 2009, can you tell us what
10 your other positions were regarding to the
11 Applicant?

12 A I held the position of operations manager
13 from February 2005 to January 2009.

14 Q Okay. And are you familiar with the
15 financial information that was filed with this
16 application?

17 A Yes, I am.

18 Q Are you aware of any significant material
19 change with the financial condition of the Applicant
20 since December 2008?

21 A There's been no significant change.

22 Q Okay. Are you familiar with 9-1-1

1 requirement for the CLEC responsibility?

2 A Yes, I am.

3 Q In this Appendix B, the question was, Who
4 will be responsible for building and maintaining the
5 9-1-1 database for your local exchange customers.
6 Your answer is, The 9-1-1 database is maintained by
7 the local database provider in the local exchange
8 where the customers are served.

9 Could you be more specific if this
10 exchange belongs to you or other carriers?

11 A The other carrier would be the incumbent,
12 that would be Frontier Communications. And if
13 needed, we also have the ability here to enter and
14 make changes as needed.

15 MR. SMITH: Meaning New Windsor Telephone
16 Company.

17 THE WITNESS: Yes, New Windsor Telephone
18 Company, yes. We currently perform that task here
19 in our own exchange now.

20 MS. CHANG: Your Honor, that was the questions
21 that I had.

22 JUDGE HALOULOS: Okay.

1 MR. SMITH: Just one quick clarifying question,
2 Judge.

3 JUDGE HALOULOS: Sure.

4 REDIRECT EXAMINATION

5 BY

6 MR. SMITH:

7 Q Mr. Nimrick, with regard to your answer
8 about Frontier, that's just the area in which the
9 company is -- initially is beginning to branch out
10 into, is that correct?

11 A That is correct.

12 Q And there could be other providers in other
13 exchanges as the services expand.

14 A That's entirely possible. Yes.

15 MR. SMITH: Okay. That's all I had, Judge.

16 JUDGE HALOULOS: Okay. Staff, is there anything
17 further?

18 MS. CHANG: No, not from Staff.

19 JUDGE HALOULOS: And there's nothing further
20 from New Windsor?

21 MR. SMITH: No.

22 Was there anything from you, Judge?

1 JUDGE HALOULOS: No, there is not.

2 MR. SMITH: That's great.

3 JUDGE HALOULOS: So at this point I'll mark the
4 record heard and taken.

5 MR. SMITH: Thank you.

6 HEARD AND TAKEN

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